

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

VANESSA M. ZENDEJAS, *et al.*,

Plaintiffs,

v.

DANIEL J. GARCIA, *et al.*,

Defendants.

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Civil Action No. 4:23-cv-01146-O-BP

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

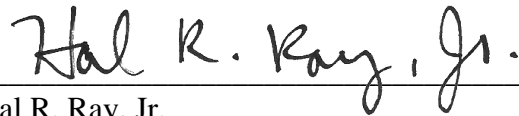
Before the Court is Plaintiffs' Agreed Motion to Dismiss Without Prejudice, filed December 11, 2023. ECF No. 12. Plaintiffs seek to dismiss the case without prejudice for lack of jurisdiction. *Id.* The Court recommended the same result in its prior Findings, Conclusions, and Recommendation. ECF No. 11. Plaintiffs have also represented that this motion is agreed. ECF No. 12. Accordingly, the Court **RECOMMENDS** that United States District Judge Reed O'Connor **GRANT** Plaintiffs' motion (ECF No. 12) and **DISMISS** this case without prejudice.

An action may be dismissed by a party without order of the court by filing (1) a notice of dismissal before the opposing party files an answer or motion for summary judgment; or (2) stipulation of dismissal signed by all parties who have appeared. *See* Fed. R. Civ. P. 41(a)(1). Here, no defendant has filed an answer or motion for summary judgment. Accordingly, Plaintiffs are entitled to dismissal of their case without prejudice and without a court order. *Id.* Entry of a judgment of dismissal without prejudice, with each party bearing the party's own costs, would serve administrative and statistical purposes and the interest of justice.

Accordingly, the undersigned **RECOMMENDS** that Judge O'Connor **DISMISS** Plaintiffs' case without prejudice.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within fourteen days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED on December 12, 2023.

A handwritten signature in black ink that reads "Hal R. Ray, Jr." The signature is written in a cursive, flowing style. The signature is positioned above a horizontal line.

Hal R. Ray, Jr.
UNITED STATES MAGISTRATE JUDGE